

PER A. RAMFJORD, OSB No. 934024  
per.ramfjord@stoel.com  
REILLEY D. KEATING, OSB No. 073762  
reilley.keating@stoel.com  
STOEL RIVES LLP  
760 SW Ninth Avenue, Suite 3000  
Portland, OR 97205  
Telephone: 503.224.3380  
Facsimile: 503.220.2480

*Attorneys for Defendant 3M Company*

PILAR C. FRENCH, OSB No. 962880  
frenchp@lanepowell.com  
RYAN T. O'HOLLAREN, OSB No. 231160  
ohollarenr@lanepowell.com  
LANE POWELL PC  
601 S.W. Second Avenue, Suite 2100  
Portland, Oregon 97204  
Telephone: 503.778.2100  
Facsimile: 503.778.2200

*Attorneys for Defendants Tyco Fire Products LP  
and Chemguard, Inc.*

UNITED STATES DISTRICT COURT  
  
DISTRICT OF OREGON  
  
PORTLAND DIVISION

STATE OF OREGON, by and through Ellen F.  
Rosenblum, Attorney General,

Plaintiff,

v.

3M COMPANY, et al.,

Defendants.

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Case No.: 3:23-cv-00974-AR

**UNOPPOSED MOTION FOR STAY  
OF RESPONSIVE PLEADING  
DEADLINE OR ALTERNATIVE  
MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSIVE PLEADING**

### **L.R. 7.1 CERTIFICATION**

Counsel for Defendant 3M Company (“3M”) certify that they have conferred in good faith with counsel for the State of Oregon (the “State”), Tyco Fire Products LP (“Tyco”), and Chemguard, Inc. (“Chemguard”) regarding this motion. Tyco and Chemguard join in this motion. Counsel for the State has stated that the State does not oppose this motion.

### **MOTION**

On May 31, 2023, the State filed a complaint against defendants in the Circuit Court of the State of Oregon in and for the County of Multnomah, bearing Case No. 23CV21902. On June 30, 2023, 3M, Tyco, and Chemguard timely removed the case to this Court, bearing Case No. 23-cv-00974-AR. 3M intends to file a notice of potential tag-along actions promptly in the United States Judicial Panel on Multidistrict Litigation (“JPML”). The notice will identify this case as a potential tag-along action to *In re: Aqueous Film-Forming Foams (AFFF) Products Liability Litigation*, MDL No. 2873 (the “AFFF MDL”).

In its complaint, the State seeks to hold Defendants liable for their alleged conduct in designing, manufacturing, and selling aqueous film-forming foam (“AFFF”) used for firefighting and fire training, resulting in purported contamination. The State alleges that Defendants’ AFFF contained per- and polyfluoroalkyl substances (“PFAS”), including perfluorooctanoic acid (“PFOA”) and/or perfluorooctane sulfonic acid (“PFOS), and that the use of PFAS-containing AFFF has resulted in alleged damages to its natural resources, property, and citizens.

The JPML has consolidated cases related to PFAS-containing AFFF in the AFFF MDL in the District of South Carolina. As noted above, 3M intends to file papers seeking to transfer the instant case to the AFFF MDL so that it may be consolidated with similar and related cases in the

interest of judicial economy and efficiency. Once filed, the tag-along notice will be pending with the JPML.

Under Federal Rule of Civil Procedure 81(c), a defendant that has been served generally has seven (7) days after the filing of the notice of removal to file any responsive pleadings. Here, this case was removed on June 30, 2023, and thus, under Fed. R. Civ. P. 81(c), any responsive pleadings that are due currently are due on July 7, 2023.

3M, Tyco, and Chemguard respectfully request that the Court stay the deadline, if applicable, for all defendants to respond to the State's complaint through and including the 28th day (as computed under Fed. R. Civ. P. 6) after the JPML has issued a final order determining whether to transfer this action to the AFF MDL.

Alternatively, 3M, Tyco, and Chemguard request a 30-day extension of time (or until August 7, 2023) to file a responsive pleading to allow time for the filing of that tag-along notice with the JPML and for a final order to be issued concerning such notice and to allow defendants more time to prepare a responsive pleading.

DATED: July 7, 2023

STOEL RIVES LLP

LANE POWELL PC

s/ Reilley D. Keating  
 PER A. RAMFJORD, OSB No. 934024  
 per.ramfjord@stoel.com  
 REILLEY D. KEATING, OSB No. 073762  
 reilley.keating@stoel.com

s/ Pilar C. French  
 PILAR C. FRENCH, OSB No. 962880  
 frenchp@lanepowell.com  
 RYAN T. O'HOLLAREN, OSB No. 231160  
 ohollarenr@lanepowell.com

*Attorneys for Defendant 3M Company*

*Attorneys for Tyco Fire Products LP and  
 Chemguard, Inc*

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **UNOPPOSED MOTION FOR STAY OF RESPONSIVE PLEADING DEADLINE OR ALTERNATIVE MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING** on the following named person(s) on the date indicated below by

☒ mailing with postage prepaid

☒ Email

lisa.udland@doj.state.or.us  
sheila.potter@doj.state.or.us  
BJackson@kelleydrye.com  
jgilmour@kelleydrye.com  
lshah@kelleydrye.com  
imorales@kelleydrye.com  
kketterling@stollberne.com  
landersondana@stollberne.com  
ebailey@stollberne.com  
mholmes@stollberne.com

dzalman@kelleydrye.com  
ldowning@kelleydrye.com  
ekrasnow@kelleydrye.com  
jschuurman@kelleydrye.com  
matt@sheredling.com  
vic@sheredling.com  
stephanie@sheredling.com  
ashley@sheredling.com  
frenchp@lanepowell.com  
ohollarenr@lanepowell.com

☒ notice of electronic filing using the CM/ECF system

to said person(s) a true copy thereof, contained in a sealed envelope if by mail, addressed to said person(s) at his or her last known address(es) indicated below.

Ellen F. Rosenblum  
Lisa Udland  
Sheila Potter  
OREGON DEPARTMENT OF JUSTICE  
100 SW Market Street  
Portland, OR 97201

*Attorneys for Plaintiff State of Oregon*

William J. Jackson  
John D.S. Gilmour  
Lauren H. Shah  
Ivan F. Morales  
KELLEY DRYE & WARREN LLP  
515 Post Oak Blvd., Suite 900  
Houston, TX 77027

*Attorneys for Plaintiff State of Oregon*

Keith A. Ketterling  
Lydia Anderson-Dana  
Elizabeth K. Bailey  
Madeleine C. Holmes  
STOLL STOLL BERNE LOKTING &  
SHLACHTER P.C.  
209 SW Oak Street, Suite 500  
Portland, OR 97204

*Attorneys for Plaintiff State of Oregon*

David Zalman  
Levi Downing  
Elizabeth Krasnow  
Julia Schuurman  
KELLEY DRYE & WARREN LLP  
3 World Trade Center  
175 Greenwich Street  
New York, NY 10007

*Attorneys for Plaintiff State of Oregon*

Matthew K. Edling  
Victor M. Sher  
Stephanie D. Biehl  
Ashley B. Campbell  
SHER EDLING LLP  
100 Montgomery Street, Suite 1410  
San Francisco, CA 94104

*Attorneys for Plaintiff State of Oregon*

Pilar C. French  
Ryan T. O'Hollaren  
LANE POWELL PC  
601 S.W. Second Avenue, Suite 2100  
Portland, Oregon 97204

*Attorneys for Defendants Tyco Fire Products  
LP and Chemguard, Inc.*

I further certify that I served the foregoing UNOPPOSED MOTION FOR STAY OF  
RESPONSIVE PLEADING DEADLINE OR ALTERNATIVE MOTION FOR EXTENSION  
OF TIME TO FILE RESPONSIVE PLEADING on the following named person(s) on the date  
indicated below by

- ☒ mailing with postage prepaid
- ☐ email
- ☐ notice of electronic filing using the CM/ECF system

to said person(s) a true copy thereof, contained in a sealed envelope if by mail, addressed to said  
person(s) at his or her last known address(es) indicated below.

AGC CHEMICALS AMERICAS, INC.  
5 East Uwchlan Avenue, Suite 201  
Exton, Pennsylvania 19341

*Defendant*

AMEREX CORPORATION  
2900 Highway 280 S, Suite 300  
Birmingham, Alabama 35223

*Defendant*

ARCHROMA U.S., INC.  
5435 77 Center Drive, Suite 10  
Charlotte, North Carolina 28217

*Defendant*

ARKEMA INC.  
900 First Avenue  
King of Prussia, Pennsylvania 19406

*Defendant*

BASF CORPORATION  
100 Park Avenue,  
Florham Park, New Jersey 07932

*Defendant*

BUCKEYE FIRE EQUIPMENT COMPANY  
110 Kings Road  
Kings Mountain, North Carolina 28086

*Defendant*

THE CHEMOURS COMPANY  
1007 Market Street  
Wilmington, Delaware 19899

*Defendant*

CARRIER GLOBAL CORPORATION  
13995 Pasteur Boulevard  
Palm Beach Gardens, Florida 33418

*Defendant*

CHEMDESIGN PRODUCTS, INC.  
Two Stanton Street  
Marinette, Wisconsin 54143

*Defendant*

CLARIANT CORPORATION  
500 East Morehead Street, Suite 400  
Charlotte, North Carolina 28202

*Defendant*

CORTEVA, INC.  
974 Centre Road  
Wilmington, Delaware 19805

*Defendant*

DUPONT DE NEMOURS, INC.  
974 Centre Road  
Wilmington, Delaware 19805

*Defendant*

DYNAX CORPORATION  
79 Westchester Avenue  
Pound Ridge, New York 10576

*Defendant*

EIDP, INC.  
974 Centre Road  
Wilmington, Delaware 19805

*Defendant*

KIDDE PLC, INC.  
Nine Farm Springs Road  
Farmington, Connecticut 06032

*Defendant*

NATIONAL FOAM, INC.  
141 Junny Road  
Angier, North Carolina 27501

*Defendant*

CARRIER FIRE & SECURITY AMERICAS  
CORPORATION  
13995 Pasteur Boulevard  
Palm Beach Gardens, Florida 33418

*Defendant*

DATED: July 7, 2023

*s/ Reilley D. Keating*

REILLEY D. KEATING, OSB No. 073762  
Telephone: 503.224.3380

*Attorneys for Defendant 3M Company*